## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-461-RJC-DCK

ALTON SHARAN SAPP,	)	
Plaintiff,	)	
vs.	)	
CHARLOTTE-MECKLENBURG POLICE DEPARTMENT, et al.,	)	<u>ORDER</u>
Defendants.	) )	

**THIS MATTER** is before the Court *sua sponte*.

The *pro se* Plaintiff has filed 28 civil actions in this Court in under two months without paying the filing fee, and sought to proceed *in forma pauperis* in each.<sup>1</sup> See [Doc. 2]. On October 11, 2022, the Court denied the Plaintiff's Application to proceed *in forma pauperis* in the instant case due to his pattern of abusive, frivolous, malicious, and harassing litigation, and ordered him to pay the full filing fee within 14 days. [Doc. 8]. The Plaintiff was cautioned that the failure to timely comply with the Order would result in this case's dismissal without further notice.<sup>2</sup> [Id.]. The October 11 Order was mailed to the Plaintiff at his address of record on the same day it was

<sup>&</sup>lt;sup>1</sup> At present, his pending cases in this Court are: 3:22-cv-411-RJC-DCK; 3:22-cv-412-KDB-DSC; 3:22-cv-416-KDB-DSC; 3:22-cv-450-RJC-DSC; 3:22-cv-461-RJC-DCK; 3:22-cv-462-FDW-DSC; 3:22-cv-494-KDB-DSC; 3:22-cv-495-KDB-DCK; 3:22-cv-518-KDB-DSC; 3:22-cv-519-KDB-DCK; 3:22-cv-525-KDB-DCK; 3:22-cv-526-RJC-DSC; 3:22-cv-527-RJC-DCK; 3:22-cv-528-KDB-DSC; 3:22-cv-529-RJC-DCK; 3:22-cv-530-RJC-DSC; 3:22-cv-532-RJC-DSC; 3:22-cv-533-RJC-DCK; 3:22-cv-535-RJC-DCK; 3:22-cv-540-RJC-DSC; 3:22-cv-555-MOC-DCK; 3:22-cv-563-KDB-DCK; 3:22-cv-568-KDB-DSC; 3:22-cv-538-KDB-DSC; 3:22-cv-551-KDB-DCK.

<sup>&</sup>lt;sup>2</sup> The Court also cautioned the Plaintiff that the repeated filing of frivolous actions may result in the imposition of sanctions and/or a prefiling injunction. [Doc. 8 at 7]. The Plaintiff has been ordered to explain why he should not be subject to a pre-filing review system in several of his pending cases, Case Nos. 3:22-cv-563-KDB-DCK, 3:22-cv-567-KDB-DCK, 3:22-cv-568-KDB-DSC. Had the Plaintiff not already been ordered to show cause why a pre-filing review system should not be imposed, the Court would do so in the instant case.

entered. The Plaintiff has not paid the filing fee and the time to do so has expired.

The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed

without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these

rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link

v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide

for sua sponte dismissal, a district court has the inherent power to dismiss a case for lack of

prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with

the Court's October 11, 2022 Order.

2. The Plaintiff's pending Motions [Docs. 6, 7] are **DENIED** as moot.

3. The Clerk of this Court is directed to close this case.

Signed: November 1, 2022

Robert J. Conrad, Jr.

United States District Judge

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